

IN THE SUPREME COURT OF ALABAMA
June 9, 2020

19-20/0100 In re: 10th Judicial Circuit Criminal Division
"Media Coverage Plan"

ORDER

The Court having considered the request by the 10th Judicial Circuit Criminal Division to authorize the proposed "Media Coverage Plan," pursuant to Canon 3(A)(7) and (7A), Alabama Canons of Judicial Ethics,

IT IS ORDERED that the Media Coverage Plan proposed by the 10th Judicial Circuit Criminal Division is hereby approved.

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Witness my hand this 9th day of June, 2020.



Clerk, Supreme Court of Alabama

FILED June 9, 2020 11:40 am Clerk Supreme Court of Alabama
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MEDIA COVERAGE PLAN
OF THE TENTH JUDICIAL CIRCUIT
CRIMINAL DIVISION

ADOPTED APRIL 15, 2020

PURSUANT TO CANON 3 (A)(7) AND (7A) OF
THE ALABAMA CANON OF JUDICIAL ETHICS

1. Proceedings in the Circuit Criminal Division of the Jefferson County Courthouse located at 801 Richard Arrington Jr Blvd North; Mel Bailey Criminal Justice Center; Birmingham, Alabama 35203 may be broadcast by television or radio and may be recorded electronically or photographed, if such broadcasting, recording, or photographing is done in compliance with the provisions of this Media Coverage Plan and with Canon 3(A)(7) and (7A), Alabama Canon of Judicial Ethics.
2. No broadcasting, recording, or photographing shall distract from the dignity of the Court proceedings.
3. Persons desiring to broadcast, record, or photograph official Court proceedings must make a timely written request to the Judge of that particular Court at least five (5) days before the date of the hearing, trial, or event, specifying the particular case, hearing or event for which coverage is requested. A form for such purpose is attached to this Media Coverage Plan as "Exhibit A." The Judge, in his or her discretion, may then seek to obtain written consent to media coverage from the parties and attorneys involved in the proceeding as provided in paragraph 4.
4. Written consent from the parties and attorneys may be obtained on a form provided by and filed with the Clerk of the Court, a copy of which is attached as "Exhibit B" to this Media Coverage Plan. When a party's or an attorney's written consent to media coverage has been filed with the Clerk, duplicate consent forms for that party or attorney shall not be required for different proceedings in the same case.
5. Court consent to cover a proceeding shall be granted pursuant to this Media Coverage Plan without partiality or preference to any person, media outlet, or type of coverage. Consent to cover a proceeding may not be given, refused, or withdrawn as to one type

of coverage, or as to any particular media outlet, and given, refused, or withdrawn as to another type of coverage or another media outlet.

6. No more than four (4) still photographers and three (3) stationary television cameras may be permitted in the courtroom for coverage at any time while a trial or hearing is in session, although fewer cameras may be ordered by the Court. The setup, positioning, and removal of cameras shall be done under the supervision of the Judge, shall not be done while the Court is in session, and shall, at all times, be done so as not to disturb the proceedings of the Court.
7. No photographer, videographer, or other media person may enter or leave the courtroom while the Court is in session.
8. The Judge, in his or her discretion, may allow microphones and wiring to be placed at the counsel's lectern and at limited locations on the bench. Microphones shall be placed in advance of the trial or hearing and shall be unobtrusive or hidden. All wiring shall be located on the floor next to the wall or along the bottom of the bench, where possible. Otherwise, the wires must be placed where they will not interfere with anyone or constitute a hazard. The bailiff shall inspect the location of any wires and microphones to see that they comply with this Plan. Wiring cannot be removed while the Court is in session, except during a recess.
9. Overhead lighting, when provided for photography, videography, or other purpose, shall be switched on and off by the bailiff. No other lights, flashbulbs, flashes, or sudden light changes may be used except with the express, advance authorization of the Court.
10. Every person desiring to cover a proceeding will furnish his or her own equipment.
11. Television cameras or still cameras that produce distracting noise or sound cannot be used.
12. During sessions of the Court, photographers using still cameras may sit anywhere in the courtroom designated for use by the public and may take pictures; however, the Court, upon request of a party, attorney, witness, or Judge, may require photographers to take photographs only in a designated area in the courtroom. At no point may

photographers or videographers move about the courtroom while the Court is in session, unless expressly authorized by the Court.

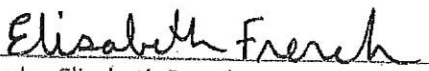
13. Photographers and videographers may not photograph, video, or otherwise record the contents of any documents on the judicial bench, on the Court staff's desk, or on the parties' tables, regardless of whether the Court is in session. The bailiff shall ensure, as much as practicable, that photographers and videographers are positioned in the courtroom in such a manner that they cannot view or see such documents. This prohibition does not apply to any document, exhibit, or case material displayed to the Court and/or the persons in the courtroom such as by poster board, projector, electronic screen, or the like.
14. No live audio or video broadcasting or social-media updates of the Court proceedings are permitted from inside the courtroom. At the discretion of the Court, such activity may be permissible if overflow rooms are designated by the Court.
15. Digital devices may not be used in the courtroom while Court is in session except by attorneys appearing before the Court and their support staff.
16. All media persons covering a hearing, event, or trial shall avoid activity that might distract and shall remain within any restricted area designated by the Court.
17. Nothing in the Plan should be construed to restrict the authority of the Court to designate the location of still and video cameras in the courtroom. Moreover, nothing herein should be construed to restrict the authority of the Court to suspend, in whole or in part, this Media Coverage Plan in special circumstances.
18. All accused persons who will be before the court during any such photographing, recording or broadcasting by television or radio, as well as the leading prosecuting attorney representing the state or the city, shall have affirmatively given their written consent to the photographing, recording or broadcasting by television or radio.
19. In a trial where testimony is taken, any party, witness, attorney (or the Judge) may request a cessation of coverage by notifying the Court, in which event the Court may require the recording and broadcasting to cease.


20. The judge shall immediately suspend or stop any photographing, recording or broadcasting by television or radio at any time that a witness who is testifying, the parent or guardian of any testifying witness who is a minor, or a juror, party or attorney expressly objects to the photographing, recording or broadcasting by television or radio.
21. Attorneys must observe Rule 3.6, Ala. R. Prof. Cond. ("Trial Publicity"), which covers the conduct of all attorneys with respect to trial publicity.
22. This Plan shall not preclude the coverage of a trial, event, or hearing by a news reporter or other person who is not using a camera or electronic equipment, but who is taking notes or making sketches. However, the restrictions, with regard to Jurors included herein, remain applicable to all media coverage, including those who are only otherwise taking notes and making sketches.
23. All persons who request and are granted permission to cover a hearing, event, or trial are subject to this Media Coverage Plan and must agree to observe the rules and objectives set out in this Plan.
24. The restrictions imposed by this Plan are not applicable to the coverage of investitures and ceremonial or nonjudicial proceedings.
25. During the pendency of any trial, Jurors shall not be subjected to any interviewing, broadcasting, photographing or recording. No juror interviewing, broadcasting, photographing, or recording may be conducted post-trial without the express written consent of the Juror and the Court.
26. No photographer, videographer, or other media person may obstruct hallway traffic outside of or adjacent to the courtroom.
27. The Court may impose reasonable time, place, and manner restrictions on all interviews or broadcasts conducted outside the courtroom. All interviews must be done outside the presence or hearing of any member of the jury.


Attachments:

Exhibit A: Request for Media Coverage

Exhibit B: Consent of Participating Parties to Media


Judge Elisabeth French
Presiding Judge 10th Judicial Circuit


Andrew Nix
President Birmingham Bar Association


Danny Carr
District Attorney – Jefferson County


Jimmie Stephens
Jefferson County Commission President

EXHIBIT A

REQUEST FOR MEDIA COVERAGE
IN THE CIRCUIT CRIMINAL DIVISION OF THE TENTH JUDICIAL CIRCUIT

Name of Media Outlet: _____

Mailing Address: _____ Telephone: _____

Event to be Covered (Date, Time, and Place): _____

Case Number: _____

Type of Coverage Requested: Audio Recording: _____ Video Recording: _____ Radio: _____

Television: _____ Still Cameras: _____ Other: _____

Reporters and technicians (Please identify all personnel who will be involved; you may attach a separate page if necessary):

Purpose of Requested Coverage (i.e., instructional, educational, local news, network news, etc.):

I have read and understand the "Media Coverage Plan of the Criminal Division of the Tenth Judicial Circuit." In requesting permission to cover the above-described event, I agree that all media personnel identified above will abide by all applicable provisions of the Plan. I certify that I will obtain all consents required by the Plan before beginning any interviewing, photographing, recording, or broadcasting.

Media Representative

RETURN COMPLETED FORM TO

CIRCUIT JUDGE

Date

APPROVED: _____

CIRCUIT JUDGE

DATE

EXHIBIT B

CONSENT OF PARTICIPATING PARTIES TO
MEDIA COVERAGE
TENTH JUDICIAL CIRCUIT CIVIL DIVISION

RE: _____
[Insert Circuit Criminal Case Number and Style]

Pursuant to the Media Coverage Plan of the Criminal Division of the Tenth Judicial Circuit, consent is hereby given by the undersigned to broadcast, electronically record, or photograph the proceedings in the above-styled case.

Signature of: _____ Date

Prosecutor ____ for _____
Attorney ____
Defendant ____
Witness ____

Attorney ____ for _____
Witness ____
Party ____

Attorney ____ for _____
Witness ____
Party ____

Attorney ____ for _____
Witness ____
Party ____

Attorney ____ for _____
Witness ____
Party ____

Attorney ____ for _____
Witness ____
Party ____

Attorney ____ for _____
Witness ____
Party ____